Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 509-00609-1254-078	Date: 3/8/09	Time: 1158	
Location: [redacted] N. Purple Ridge Road	City or Station: Sylmar		
Bureau/Station/Facility: Crescenta Valley Station	Admin. Investigation: YES ☐ NO ☒		
Type of Force: Significant, Fractured Elbow			
Deputy Injury: YES ☐ NO ☒	Suspect Injury YES ☒ NO ☐		
☐ Call	☒ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ☒ NO ☐	Person Notified: Lt. Scott Brickert	Emp: [redacted]	IAB Roll Out: YES ☒ NO ☐

Involved Employee

E1

Employee # [redacted]	Last Name Foss	First Name Roman	Middle Name O.
Sex: ☒ Male ☐ Female	Race: W	Unit of Assignment: CVS	Work Assignment (Unit #, Module, etc.): 123
Shift: ☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: 37	Height: 6'03" Weight: 230
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☒

E2

Employee # [redacted]	Last Name Spina	First Name Michael	Middle Name J.
Sex: ☒ Male ☐ Female	Race: W	Unit of Assignment: CVS	Work Assignment (Unit #, Module, etc.): 122K1
Shift: ☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: 28	Height: 6'00" Weight: 190
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☒

E__

Employee #	Last Name	First Name	Middle Name
Sex: ☐ Male ☐ Female	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Shift: ☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty	Age:	Height: Weight:
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☐

☐ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Gibson	Scott	R.	Sgt.	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Hahnlein	Robert	G.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Shepherd	Angela	M.

Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

Sgt. Scott Hill [redacted]

Supervisor Completing Form: (**Print Name**) | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO# 223969D

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Foss	E1	Weber	S1	TD	FR	EL
Spina	E2	Weber	S1	TD	FR	EL

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
5 0 9 - 0 0 6 0 9 - 1 2 5 4 - 0 7 8

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Rodriguez	Caroline	nmn

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	50	[redacted]
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
[redacted]	[redacted]	[redacted]	47	[redacted]
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
[redacted]	[redacted]	[redacted]	32	[redacted]
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**

☐ **Additional Witness**

Supervisor's Report on Use of Force
SUSPECT INFORMATION
509 - 00609 - 1254 - 078

Suspect Information

S 1

Last Name: Weber	First Name: John	Middle Name: Anthony
AKA Last Name:	First Name:	Middle Name:

Sex: ☒ Male ☐ Female	Race: W	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]

Work Phone: [redacted]	Home Phone: [redacted]	Age: 40	Height: 5'10"	D.O.B. 10-26-1968	Weight: 190	Armed? ☐

Booking #: 1829629 | Primary Charge Code: 12316 PC | Secondary Charge Code: | Criminal History ☒

EMT in attendance? ☐ YES ☒ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: Verdugo Hills Hospital Coroner Case #: ______ Mental History ☐

By Doctor: Debbie Holt, NP Address: 1812 Verdugo Blvd., Glendale, CA Phone #: 818-790-7100

Under Influence: ☒ YES ☐ NO Substance: Methamphetamine Mental Illness ☐

Suspect Interview

Date: 03-08-09	Time: 1700	☒ Audiotape:	☒ Videotape:	☒ Photos of Injuries:	☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:	First Name:	Middle Name:
AKA Last Name:	First Name:	Middle Name:

Sex: ☐ Male ☐ Female	Race:	Street Address:	City:	State & Zip Code:

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ Mental Illness: ☐

Suspect Interview

Date:	Time:	☐ Audiotape:	☐ Videotape:	☐ Photos of Injuries:	☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:	First Name:	Middle Name:
AKA Last Name:	First Name:	Middle Name:

Sex: ☐ Male ☐ Female	Race:	Street Address:	City:	State & Zip Code:

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ Mental Illness ☐

Suspect Interview

Date:	Time:	☐ Audiotape:	☐ Videotape:	☐ Photos of Injuries:	☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

INVESTIGATIVE NARRATIVE

INVESTIGATIVE NARRATIVE

SUSPECT:	**WEBER,** John A., Bkg. #1829629, MW/40, 6'01" / 190 lbs.
INVOLVED PERSONNEL:	**FOSS**, Roman O., Emp. #[redacted] 6'05" / 235 lbs.
	SPINA, Michael J., Emp. #[redacted] 6'00" / 187 lbs.
SWORN WITNESS:	**RODRIGUEZ,** Caroline, Emp. #[redacted]
CIVILIAN WITNESSES:	[redacted] MW/50, CDL #[redacted]
	[redacted] MW/47, CDL #[redacted]
	[redacted], FW/32, No CDL
DATE AND TIME:	March 8, 2009, Monday, 1158 hours.
LOCATION:	[redacted] N. Purple Ridge Road, Kagel Canyon, Sylmar

Internal Affairs Bureau Sergeant Scott Hill and Lieutenant Scott Brickert, responded to Crescenta Valley Station regarding a suspect who suffered a fractured elbow. The fracture was the result of an altercation with two deputies, refer to Exhibit "A" SH-R-49.

SYNOPSIS:

On March 8, 2009, Deputy Foss decided to conduct a patrol check of an abandoned house which was a known police hazard. Deputy Foss had prior knowledge the property was the subject of an "Abatement of Public Nuisances Order" dated October 14, 2008. Refer to Attachment "C." The order states in part;

> This action will adopt the findings and orders of the Building Rehabilitation Appeals Board which provide for the arrest and abatement of neighborhood deterioration and the elimination of unsightly, unsafe, and unhealthful conditions, which constitute a public nuisance.

Because the property was on the outskirts of Crescenta Valley Station's patrol area, Deputy Foss asked Deputy Spina to assist him, refer to the satellite photograph of the area in the Miscellaneous Documents section of this investigation.

> **IAB Note:** Due to the vast patrol area which encompasses Crescenta Valley Station, a request for backup/assistance can take up to an hour.

Prior to responding, Deputy Spina stated he, Deputy Foss and Deputy Rodriguez (Deputy Foss' [redacted]) discussed tactics, i.e., how they would approach the house, et cetera.

Upon their arrival, the deputies saw several persons loitering about the property [redacted] and [redacted]). Deputies Spina and Rodriguez detained them on the north end of the property. Deputy Foss walked toward the property's garage. Through a damaged garage door (Refer to Exhibit "D" Photographs), Deputy Foss was able to see a person inside the garage. Deputy Foss ordered the individual, later identified as Suspect John Anthony Weber, to raise his hands. As Deputy Foss drew closer to Suspect Weber, he (Foss) noted a bulge in Suspect Weber's waistband (Refer to Exhibit "D" Figure 14). Fearing Suspect Weber was armed, Deputy Foss yelled for Deputy Spina to join him. Deputy Rodriguez remained behind and detained the other individuals.

The Deputies gained control of Suspect Weber's arms and pulled him out of the garage through the damaged garage door (Refer to Exhibit "D" Figure 8). Suspect Weber landed face down on a couch just adjacent to the garage door. During handcuffing, a struggle ensued and Suspect Weber's right elbow was fractured.

The object inside Suspect Weber's waistband turned out to be a rubber dildo.

Suspect Weber was later found to have a "Parole at Large" warrant. He was arrested for ex-felon in possession of live ammunition, 12316(b)(1) PC. He was found guilty and sentenced to sixteen months in state prison (Refer to Exhibit "G" criminal history).

INTERVIEWS:

Suspect

John A. Weber, Bkg. #1829629

On March 8, 2009, at approximately 1500 hours, Suspect Weber was interviewed by IAB Sergeant Scott Hill. The interview was digitally audio recorded. For further details regarding Suspect Weber's interview, refer to the verbatim transcription of his interview included with this investigation.

> **IAB Note:** Suspect Weber was interviewed in the Crescenta Valley Station Jail. During the interview, it was obvious he was under the influence of Methamphetamine, in fact he admitted to using the drug on the previous day. His speech was so rapid, it was difficult to understand him. Several times during the interview it was necessary to ask him to calm down. He was easily agitated. Suspect Weber signed a "Release of Medical Records Form" however as of this writing the records have not been released. Upon release they will be incorporated into this investigation as an addendum.

Suspect Weber stated he met some friends and they drove him to the location to help clean it up over the weekend. They told him the owners were out of town. He stated he was collecting items to sell at the recycling center. While collecting scrap metal in the garage he became aware of both deputies. He stated they approached him together. They ordered him to raise his hands, he stated he complied with their orders.

He stated they pulled him through an opening in the garage door. Suspect Weber stated Deputy Spina was "real forceful and cussing." As he was being pulled through the opening, Suspect Weber stated Deputy Spina twisted his right arm. He (Weber) heard a "pop" and said, "You broke my arm man." Deputy Spina responded, "Shut up motherfucker [or] I'll kick your ass if you don't sit here and shut up." Suspect Weber stated he believes his injury was the result of being pulled through the garage door, he stated the deputies did not use any impact weapons during the encounter.

After Suspect Spina was pulled from the garage, he told the deputies, "Sir, we're allowed to be here on this property, I'm helping these people."

Asked about the dildo, Suspect Weber stated he had it concealed in his pants. He felt that because of his bulky jacket and sweatshirt the Deputies shouldn't have been able to see it.

> **IAB Note:** When interviewed by Sergeant Gibson in the field, Suspect Weber was only wearing a maroon sweatshirt, refer to Exhibit "E" video interview of Suspect Weber.

Suspect Weber was interviewed by Sergeant Scott Gibson and Lieutenant Angela Shepard while being treated at Verdugo Hills Hospital.

Hospital Interview

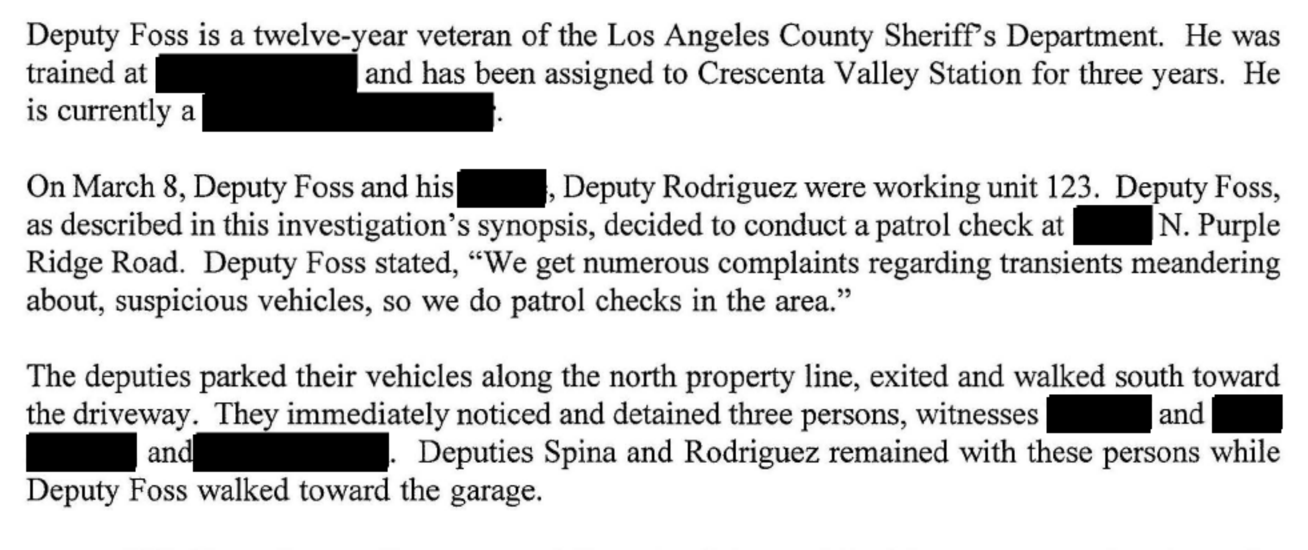
Suspect Weber was interviewed on March 8, 2009, at 1406 hours. The interview took place at Verdugo Hills Hospital.

Suspect Weber stated substantially the same as in his IAB interview. The interview in the hospital was extremely difficult to understand, refer to the video (Exhibit "E") for further information.

Involved Employees

Deputy Roman O. Foss, #[redacted]

On March 8, 2009, at 1530 hours, Deputy Foss was interviewed by IAB Sergeant Scott Hill and IAB Lieutenant Scott Brickert. The interview was digitally audio recorded. For further details regarding Deputy Foss' interview, refer to the verbatim transcription of his interview included with this investigation.



Deputy Foss is a twelve-year veteran of the Los Angeles County Sheriff's Department. He was trained at [redacted] and has been assigned to Crescenta Valley Station for three years. He is currently a [redacted].

On March 8, Deputy Foss and his [redacted], Deputy Rodriguez were working unit 123. Deputy Foss, as described in this investigation's synopsis, decided to conduct a patrol check at [redacted] N. Purple Ridge Road. Deputy Foss stated, "We get numerous complaints regarding transients meandering about, suspicious vehicles, so we do patrol checks in the area."

The deputies parked their vehicles along the north property line, exited and walked south toward the driveway. They immediately noticed and detained three persons, witnesses [redacted] and [redacted] and [redacted]. Deputies Spina and Rodriguez remained with these persons while Deputy Foss walked toward the garage.

> **IAB Note:** Deputy Foss assumed Deputies Spina and Rodriguez were patting down the witnesses as he walked toward the garage. Deputy Spina stated during his IAB interview that he was unsure if the three were patted down before he left them with Deputy Rodriguez.

Deputy Foss said;

> I noticed that the [garage door] slats were damaged. As I was standing in the driveway, I heard a voice. [It] . . . almost sounded like he (Weber) wasn't aware that I was there. So as I approached the west side of the garage, I saw a male white standing inside. I saw his upper body.
>
> I positioned myself just offset from suspect Weber. [I] told him to let me see his hands. I was concerned that there were more people inside the garage. There was a lot of metal tools [and] obstructions. It's rather dark inside the garage. There was another room that goes off to the north side of the garage that I couldn't see. [There were] some blind spots which concerned me. Based on his behavior [it] immediately appeared that he was panicked to see me. [I] just gave him numerous orders, "Let me see your hands." [It] appeared he was . . . considering running out the back door. He made motions with both hands to his waistband. I didn't know if he was trying to conceal contraband and/or destroy evidence.
>
> He actually almost seemed a little unstable, just watching his movements. Maybe somewhat consistent with being under the influence.

Deputy Foss Stated there are a lot of parolees in the area, and methamphetamine use is common.

> **IAB Note:** During Suspect Weber's IAB interview he admitted using methamphetamine the prior day.

> Deputy Spina heard my orders [to Weber] and immediately came over to me. We . . . shouted orders for him to show us his hands. Even [with] Deputy Spina there he was still attempting to conceal, blade off, possibly recover a gun or a weapon from his waistband.
>
> I think in a moment when he exposed the front of his body I was able to gain control of his left hand, left wrist.

Deputies Foss and Spina were standing outside the garage. They reached through a broken part of the garage door, inside the garage, to take control of Suspect Weber's hands, refer to Exhibit "D" photographs of scene.

> Deputy Spina, even as . . . Mr. Weber was pulling away in a sense, Deputy Spina got a hold of his right arm or right wrist. I don't know the exact way he (Spina) grabbed him.

Both Deputies pulled Suspect Weber through the garage door's damaged slat. Suspect Weber landed on a couch, directly below the opening. He landed face down, arms folded under his chest. Deputy Foss said, "I had difficulty, even though I had control [of] his left wrist. I had difficulty handcuffing his left wrist, just due to the fact that he was still struggling. [He was] concealing his right hand. Suspect Weber's arms were forced out and he was subsequently handcuffed. Deputy Foss surmised the injury to Suspect Weber's elbow occurred during handcuffing.

Asked if other options were available regarding the detention / arrest of Suspect Weber. Deputy Foss said;

> I believe if we would have retreated in any sense, he could have easily recovered a weapon from his waistband, which he was obviously reaching for several times. He had potential weapons. The previous owner of the house I know has been involved in firearms issues in terms of weapons being uncovered, hidden throughout his property. Turns out this guy had empty shell casings on his person. However getting back to your question you know, our nearest assisting unit [was] probably at least fifteen minutes out.
>
> We were committed to that situation. I believed that there was still a threat that maybe somebody else was in the garage, which we cleared out after we detained suspect Weber. So I think to have one of us detain him when he's being uncooperative, I didn't really get the sense we could handcuff him through the [garage door] slat.
>
> I've been in scenarios where I've handcuffed people on the other side of a chainlink fence and yeah, we make every effort to escort that person either around or over that fence safely. This situation did not allow us to do that.

Michael J. Spina, #[redacted]

On March 8, 2009, at 1707 hours, Deputy Spina was interviewed by IAB Sergeant Scott Hill and IAB Lieutenant Scott Brickert. The interview was digitally audio recorded. For further details regarding Deputy Spina's interview, refer to the verbatim transcription of his interview included with this investigation.

Deputy Spina is an eight-year veteran of the Los Angeles County Sheriff's Department. He was [redacted] at Crescenta Valley Station and has remained there. He is currently a [redacted]. Deputy Sutphin was Deputy Spina's [redacted]. She was not involved in this incident.

Deputy Spina said;

> Roman Foss got a hold of me and told me that he was going to go check out this location. He had some intel that there was some kind of an abatement issue on a condemned house. Some people were possibly squatting and things like that. So he got in touch with me and said, "Hey, can you go up here with me." It's kind of, I don't know if you've been up there yet, but it's out of the way. It's you know, it's a good twenty, thirty minutes from where I would normally be. So he just kind of wanted me on standby in case something went down.
>
> [He] said, "Hey, let's 911B at the firehouse and we'll roll together." So we got together and we talked about you know, some tactics and how we wanted to approach the house and what not. So we rolled up and when we first got to the place we, there was a guy that kind of crossed the street, like working on his truck or something like that. There [were] a couple people, a male and a female like out toward the front of the house. We called them over to talk to them, find out what's going on you know, if they're supposed to be here and what not.
>
> They walked over and Deputy Foss's partner, Deputy Rodriguez and I were detaining the three of them. While we were talking to them for a second, Deputy Foss I guess continued on toward the house and he heard some noises in the garage.
>
> All of a sudden I heard him say, "Let me see your hands, let me see your hands." So you know, I immediately, me and him used to be partners, so I recognized that you know, he needed help. So I ran over and I saw the suspect standing like in the garage area. He's ordering the suspect to show him his hands. The suspect keeps moving. Blades himself to us, puts his hands below the line where [I] couldn't see his hands anymore.
>
> The suspect had like a large bulge like in his waistband area. So I drew my duty weapon you know. I started giving commands you know, "Let me see your hands, let me see your hands." ...He kind of like dipped his right shoulder, like as if he was going to like kind of either go down below or pick up something off the ground. That's when I advanced and grabbed his right arm. [I was] checking to make sure he doesn't grab something or doesn't come up with something or anything like that.

> Deputy Foss also advanced on him and grabbed his left arm. So I pulled his right arm through the opening and I was controlling it and he's still struggling a little bit, kind of trying to pull away and Deputy Foss had control of his left arm. And so from there we were kind of, I'm standing on top of the couch. There's a couch in front of the garage and we're trying to figure out okay, how are we going to safely gain control of this guy, because he's still being resistive.
>
> And so we were kind of like looking at each other, trying to figure out what we would do. We didn't see any other opening, like how to get in or out of the garage. We had briefly talked about possibly one of us trying to find an opening, but we didn't want to leave our partner there to possibly get in a fight with this guy on their own. We were trying to find an out. So we decided the only course really was to guide him through the [garage door] opening, which [was] big enough for somebody to slide through.
>
> So we started to guide him through the opening. He came through and he went face down on the couch. Kind of, I don't know how to describe this. I had his right arm and he came down toward Deputy Foss and laid face down on the couch. As I was putting him face down on the couch to handcuff him, he was able to free his right arm from my grasp and it went straight under his body, like where I had seen that bulge earlier. So at that point I ordered him again, "Hey, let me see your hands, give me your hands." and he kept [them] under him. So I grabbed his right elbow and his right wrist. Reached under him, grabbed his right wrist, put him in a rear wrist lock and we handcuffed him at that point.

Deputy Spina left Deputy Rodriguez alone when he ran to assist Deputy Foss. He was asked if he felt comfortable leaving her alone. He said, "When I left them, they all had their hands on the radio car. They were all cooperative." He was asked, "Were they searched?" Deputy Spina responded, "That's a good question. I don't think so." Deputy Spina described the three as "Tweakers."

Deputy Spina stated Deputy Rodriguez;

> Was not in view of the garage, but she was definitely within earshot. If she had called for us, we could have been there within seconds. I felt that the immediate threat was where Deputy Foss was at. He was by himself and I had no idea how many people he was dealing with.

Sworn Witness:

Caroline Rodriguez, #[redacted]

On January 24, 2010, at 1703 hours, Deputy Rodriguez was interviewed by IAB Sergeant Scott Hill. The interview was digitally audio recorded. For further details regarding Deputy Rodriguez' interview, refer to the verbatim transcription of her interview included with this investigation.

Deputy Rodriguez is an eight-year veteran of the Los Angeles County Sheriff's Department. She was on [redacted] at the time of this incident. She had been at Crescenta Valley Station for approximately one month.

Deputy Rodriguez stated she was a [redacted] working with Deputy Foss on March 8, 2009. They drove to Purple Ridge Road to investigate possible squatters at the location. Upon their arrival, they saw one individual working on a car. They saw another individual, a female, who Deputy Rodriguez believed was a lookout. They detained both of these individuals. Deputy Spina remained with Deputy Rodriguez while Deputy Foss investigated the garage.

IAB Note: Deputy Spina stated they detained three individuals.

As they were detaining the two individuals, Deputy Rodriguez heard Deputy Foss yell out something to the effect "Let me see your hands." After hearing this, Deputy Spina ran to where Deputy Foss was at.

Deputy Rodriguez couldn't remember if the individuals they were detaining had been searched.

Deputy Rodriguez stated that from where she was standing she was unable to see what was going on at the garage regarding the use of force.

Approximately 1½ minutes after hearing the yelling, Deputies Foss and Spina escorted Suspect Weber to the vehicle.

Deputy Rodriguez stated that while she was detaining the individuals her weapon was drawn. She confirmed that she had ordered one of the suspects not to look toward the garage. She did this because she thought the person might try to evade her.

Civilian Witnesses

[redacted]

On March 8, 2009, at 1237 hours, Witness [redacted] was interviewed by Crescenta Valley Station Sergeant Scott Gibson. The interview was video recorded. For further details regarding Witness [redacted] interview, refer to the verbatim transcription of his interview included with this investigation.

[redacted] stated he along with [redacted] and [redacted] were detained by Deputies Spina and Rodriguez. [redacted] did not witness any use of force. He heard Suspect Weber and Deputies Foss and Spina yelling. Suspect Weber said, "Help, help." The deputies said, "Freeze, don't move." and "Stay where you are." [redacted] could not remember who spoke first.

[redacted] stated he knows the property owners, [redacted] and [redacted]. He stated they are currently somewhere in Kansas City. [redacted] stated his [redacted], [redacted], called him and told him the [redacted] had asked for their help in cleaning the property, per an order from the County.

[redacted] along with his [redacted] brought an RV to the property on March 7th and parked it in the driveway. They were told by the [redacted] not to enter the house.

[redacted] did not know how Suspect Weber got to the property.

[redacted]

On March 8, 2009, at 1245 hours, Witness [redacted] was interviewed by Crescenta Valley Station Sergeant Scott Gibson. The interview was video recorded. For further details regarding Witness [redacted] interview, refer to the verbatim transcription of his interview included with this investigation.

[redacted] stated he along with [redacted] and [redacted] were detained by Deputies Spina and Rodriguez.

[redacted] was upset because Deputy Rodriguez pointed her weapon at him and ordered him to look away from the direction of the garage after he heard shouting. He felt she did this to prevent him from witnessing the incident. [redacted] ignored Deputy Rodriguez' order, he said, "You know what, shoot me. You going to stop me from looking and seeing them beat the guy up?"

[redacted] said;

> I saw the deputy struggling with the guy. It was far away, I didn't see what they were doing. You know what I mean? They were trying to arrest him, yes, they were trying to subdue him I believe . . . [John] probably you know, he probably you know, with what do you call it, didn't want to do what the cops said and the cops grabbed his fucking arm, that's probably what happened, you know.

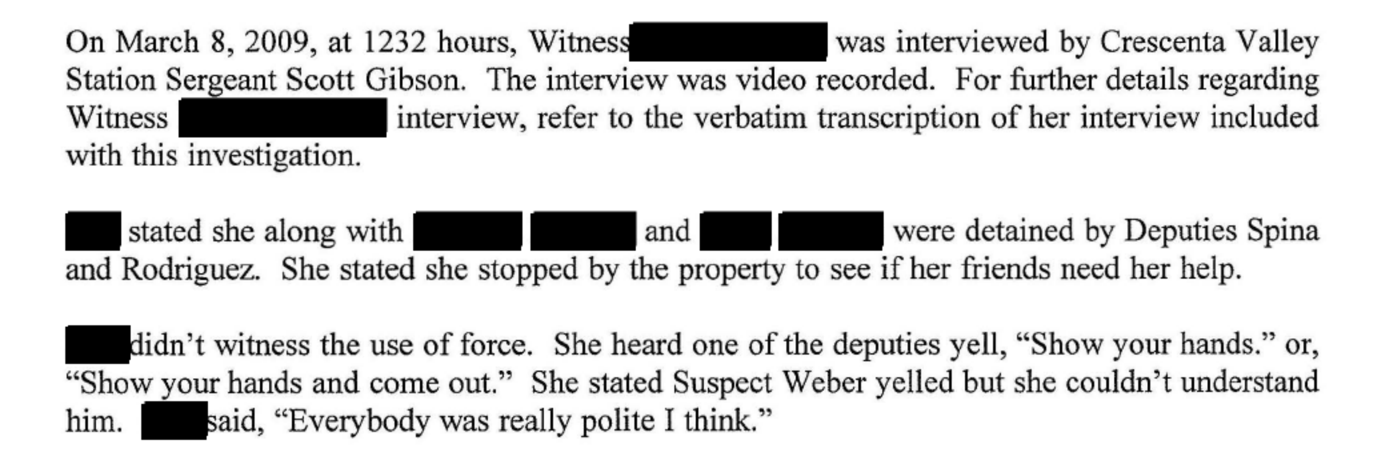
Sergeant Gibson asked [redacted] if he heard any yelling, he stated he couldn't remember what he heard.

During [redacted] interview, he became agitated. Sergeant Gibson warned him not to raise his voice.

Sergeant Gibson asked [redacted] if Suspect Weber was a friend. He ([redacted]) described Suspect Weber as "Someone I know." He ([redacted]) stated Suspect Weber had been invited to help clean the property. He described Suspect Weber as, "A transient that scraps, like a junk guy." [redacted] didn't know how Suspect Weber got to the property, he knew he arrived sometime after he [redacted] did.

[redacted] last comment to Sergeant Gibson was, "I've got to eat some breakfast."

[redacted]



On March 8, 2009, at 1232 hours, Witness [redacted] was interviewed by Crescenta Valley Station Sergeant Scott Gibson. The interview was video recorded. For further details regarding Witness [redacted] interview, refer to the verbatim transcription of her interview included with this investigation.

[redacted] stated she along with [redacted] and [redacted] were detained by Deputies Spina and Rodriguez. She stated she stopped by the property to see if her friends need her help.

[redacted] didn't witness the use of force. She heard one of the deputies yell, "Show your hands." or, "Show your hands and come out." She stated Suspect Weber yelled but she couldn't understand him. [redacted] said, "Everybody was really polite I think."